



CITY OF ARVADA

SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD NOVEMBER 17, 2008

AGENDA REVIEW SESSION – 5:30 p.m.

1. Call to Order by Mayor Bob Frie.
2. City Council reviewed this evening's agenda.
3. Executive Session
 - A. Instructions to Negotiators, Pursuant to CRS 24-6-402(4) (e)

Councilmember Dyer moved for City Council to go into Executive Session for Instructions to Negotiators, pursuant to CRS 24-6-402(4) (e).

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams

The Motion was Approved.

4. City Council Reports

Lorraine Anderson reported on the recent NLC Conference she had attended, saying it was one of the best she's been to. She encouraged Council to look for more information forthcoming about the "green energy" conference in Portland Ore in April, 2009 – it would be beneficial to attend.

Aaron Azari thanked all the councilmembers for their recent efforts with DRCOG.

- I. **CITY COUNCIL MEETING: CALL TO ORDER:** Mayor Frie called the meeting to order at 6:45 p.m.
- II. **MOMENT OF REFLECTION AND PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL OF MEMBERS:**

Those Present: Mayor Bob Frie, Mayor Pro Tem Lorraine Anderson, Councilmember Don Allard, Councilmember Aaron Azari, Councilmember Bob Dyer, Councilmember Mark McGoff, Councilmember Marc Williams

Also present were: Craig Kocian, City Manager; Bill Ray, Deputy City Manager; Chris Daly, City Attorney; Mike Elms, Community Development; Jim Root, Director of Public Works; Vicky Reier, City Manager's Office; and Judy Lydick, City Clerk's Office.

- IV. **APPROVAL OF MINUTES OF THE NOVEMBER 10, 2008 CITY COUNCIL MEETING**

The minutes stand approved as submitted.

V. PUBLIC COMMENT ON ISSUES NOT SCHEDULED ON AGENDA

Craig Smith expressed his thanks to the City Council for their hard work.

Steve Caulk, vice-chair of Arvada Council for the Arts and Humanities board addressed council regarding the upcoming performance schedule at the Arvada Center. Mr. Caulk stated that the Arvada Center is \$1.1 million ahead of last year (48%) and he thanked the Arts Council and Arvada Center staff for helping to achieve this goal.

No other comment.

VI. NEW BUSINESS

A. Consent Agenda

1. R08-126 A Resolution to Accept Gifts and Grants to the Arvada Center for the Arts and Humanities
2. R08-127 A Resolution Authorizing a Change Order to a Contract Agreement By and Between the City of Arvada and Monarch Site Services, Inc. for 5 MG Water Tank Removal, Project No. 08-WA-07
3. R08-128 A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Brannan Construction Company in the Amount of \$799,259.50 for 2008 Water Main Replacement Phase 3, Project No. 08-WA-09
4. R08-129 A Resolution Authorizing an Agreement By and Between the City of Arvada and Carl Walker, Inc., for Professional Services Related to the Development of an Olde Town Parking and Transportation Demand Plan, in an Amount Not to Exceed \$60,000

Mayor Pro Tem Anderson moved that R08-126, A Resolution to Accept Gifts and Grants to the Arvada Center for the Arts and Humanities; R08-127, A Resolution Authorizing a Change Order to a Contract Agreement By and Between the City of Arvada and Monarch Site Services, Inc. for 5 MG Water Tank Removal, Project No. 08-WA-07; R08-128, A Resolution Authorizing a Construction Contract Agreement By and Between the City of Arvada and Brannan Construction Company in the Amount of \$799,259.50 for 2008 Water Main Replacement Phase 3, Project No. 08-WA-09; R08-129, A Resolution Authorizing an Agreement By and Between the City of Arvada and Carl Walker, Inc., for Professional Services Related to the Development of an Olde Town Parking and Transportation Demand Plan, in an Amount Not to Exceed \$60,000, be approved.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams

The Motion was approved.

B. Resolutions (Staff Presentations May Precede Resolutions)

1. R08-130 A Resolution to Adopt a Policy Concerning Arvada Center Sponsorships and Naming Agreements

Councilmember Dyer moved that R08-130, A Resolution to Adopt a Policy Concerning Arvada Center Sponsorships and Naming Agreements, be approved.

Councilmember Anderson requested a presentation on this subject to help the audience understand the importance of this item.

Gene Sobcek, Executive Director of the Arvada Center, reviewed this item with City Council. He said this Policy will set out the criteria and procedures for local businesses or organizations to enter into sponsorships and commercial and honorary naming agreements. The agreements could be for services, programs, events, assets, and facilities at the Arvada Center.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams
The Motion was approved.

C. Ordinances (First Reading)

1. CB08-050 An Ordinance Amending the Arvada City Code by Adding Section 54-60.1, Article I, Section 1409, Compulsory Insurance-Penalty of the Model Traffic Code for Colorado Municipalities as Adopted in Section 54-31 of the Arvada City Code (Public Hearing to be set for December 1, 2008 at 7:00 p.m.)
2. CB08-051 An Ordinance Authorizing an Additional Appropriation for Fiscal Year 2008 (Public Hearing to be set for December 1, 2008 at 7:00 p.m.)

Councilmember Williams moved that CB08-050, An Ordinance Amending the Arvada City Code by Adding Section 54-60.1, Article I, Section 1409, Compulsory Insurance-Penalty of the Model Traffic Code for Colorado Municipalities as Adopted in Section 54-31 of the Arvada City Code and CB08-051, An Ordinance Authorizing an Additional Appropriation for Fiscal Year 2008 be approved on first reading, ordered published in full and a Public Hearing date be set for December 1, 2008 at 7:00 p.m.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams
The Motion was approved.

VII. PUBLIC HEARINGS

- A. Public Hearing on the Annual Action Plan – 2009 as Part of the Consolidated Strategy and Plan Submission for Housing and Community Development Programs for the City of Arvada, Colorado
 1. R08-131 A Resolution Authorizing the Expenditure of City of Arvada Human Services Funding Pool Funds for 2008 to Agencies Providing Emergency Help and Assistance to Arvada Citizens
 2. R08-132 A Resolution Approving an Annual Action Plan Submission for Housing and Community Development Programs for the City of Arvada

Mayor Frie opened the public hearing on the Annual Action Plan - 2009 as Part of the Consolidated Strategy and Plan Submission for Housing and Community Development Programs for the City of Arvada, Colorado.

Ed Talbot, Director of Housing and Neighborhood Revitalization, explained that a public hearing is necessary prior to a vote by City Council on a resolution approving the Annual Action Plan. He said notice of the public hearing was given. Mr. Talbot said no action will be taken during this public hearing.

Tracy Kraft-Tharp and John Giardino presented the recommendations of the Human Services Advisory Committee and spoke of the Committee's process for selection.

Councilmember Anderson asked if staff could provide information on how much matching funds are contributed to these agencies because of Arvada's contributions. Ms. Kraft-Tharp stated that matching funds are considered as part of the evaluation process. Vicky Reier, Assistant to the City Manager, said she could prepare that information for Council, if desired.

Mayor Frie closed the public comment portion of the public hearing.

Councilmember Anderson moved that R08-131, A Resolution Authorizing the Expenditure of City of Arvada Human Services Funding Pool Funds for 2008 to Agencies Providing Emergency Help and Assistance to Arvada Citizens, be approved.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams
The Motion was approved.

Councilmember Anderson moved that R08-132, A Resolution Approving an Annual Action Plan Submission for Housing and Community Development Programs for the City of Arvada, be approved.

Councilmember Marc Williams said he would be abstaining from this vote because he serves as legal counsel Volunteers of America, one of the recipients.

Councilmember Allard moved to excuse Marc Williams from the vote on R08-132.

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff
The Motion was approved.

The following votes were cast on the main Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff
Those abstaining: Williams
The Motion was approved.

- B. CB08-044 An Ordinance Amending Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to Water Tap Fees and Users Rates (Ordinance No. 4139)

Mayor Frie opened the public hearing on CB08-044.

Jim Sullivan, Public Works, reviewed this ordinance with City Council. He said that staff recommends the water tap fees are increasing 3.3% and the water user rates and service charges are increasing by 7%.

No one else wishing to speak.

Mayor Frie closed the public comment portion of the public hearing.

Mayor Pro Tem Anderson moved that CB08-044, An Ordinance Amending Various Sections of Chapter 102, Utilities, of the Arvada City Code Pertaining to Water Tap Fees and Users Rates be approved on final reading, numbered 4139 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Anderson, Allard, Azari, Dyer, McGoff, Williams

Those voting No: Frie

The Motion was approved.

- C. CB08-045 An Ordinance Amending Section 206 of Chapter 102, Utilities, of the Arvada City Code Pertaining to Wastewater Users Rates (Ordinance No. 4140)

Mayor Frie opened the public hearing on CB08-45.

Jim Sullivan, Public Works, reviewed this ordinance with City Council. He said that staff recommends the wastewater user rates and service charges will increase by 10.5%.

Mayor Frie closed the public comment portion of the public hearing.

Councilmember McGoff moved that CB08-045, An Ordinance Amending Section 206 of Chapter 102, Utilities, of the Arvada City Code Pertaining to Wastewater Users Rates be approved on final reading, numbered 4140 and ordered published by title only.

Councilmember Azari stated that will be voting no on this item because someone needs to go on record as protesting how Metro Wastewater Reclamation District's increases are passed along.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Dyer, McGoff, Williams

Those voting No: Azari

The Motion was approved.

- D. CB08-046 An Ordinance Amending Section 355 of Chapter 102, Utilities, of the Arvada City Code Pertaining to Stormwater Users Rates (Ordinance No. 4141)

Mayor Frie opened the public hearing on CB08-046.

Jim Sullivan, Public Works, reviewed this ordinance with City Council. He said that staff recommends the stormwater user rates will increase by 2%.

Mayor Frie closed the public comment portion of the public hearing.

Councilmember Azari moved that CB08-046, An Ordinance Amending Section 355 of Chapter 102, Utilities, of the Arvada City Code Pertaining to Stormwater Users Rates, be approved on final reading, numbered 4141 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Azari, Dyer, McGoff

Those voting No: Williams, Frie, Allard

The Motion was approved.

- E. CB08-047 An Ordinance Authorizing an Intergovernmental Agreement By and Between Apex Park and Recreation District – Apex Center and the City of Arvada Relating to the Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems General Permit (Ordinance No. 4142)

Mayor Frie opened the public hearing on CB08-047.

Mayor Frie closed the public comment portion of the public hearing.

Mayor Pro Tem Anderson moved that CB08-047, An Ordinance Authorizing an Intergovernmental Agreement By and Between Apex Park and Recreation District – Apex Center and the City of Arvada Relating to the Stormwater Discharges Associated with Municipal Separate Storm Sewer Systems General Permit be approved on final reading, numbered 4142 and ordered published by title only.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams

The Motion was approved.

- F. CB08-042 An Ordinance Vacating a Portion of West 67th Avenue, Alison Hill Estates, W. 67th & Balsam Street (Ordinance No. 4143)

- G. Alison Hill Estates Preliminary Plat, W. 67th & Balsam Street

Mayor Frie opened the public hearing on CB 08-042 and the Preliminary Plat.

Mike Elms, Director of Community Development, stated that the posting log and mailing affidavit have been received and are in order. Planning Commission voted 5-0 in favor. Mayor Frie made them a part of the official record.

Mayor Frie swore in those wishing to speak.

Those speaking in favor:

Andy Varner, Alliance Consulting Engineers, Arvada, representing the applicant, reviewed this project with City Council.

Those speaking opposed:

David Townsend and Brenda Murdall of Arvada, expressed concerns about losing the view from their properties should this project be approved.

Mary Lou Alison, Arvada, spoke in favor of the project.

There was discussion regarding the elevations of the lots and landscaping possibilities.

Mayor Frie closed the public comment portion of the public hearing.

Councilmember McGoff moved that CB08-042, An Ordinance Vacating a Portion of West 67th Avenue, Alison Hill Estates, W. 67th & Balsam Street be approved on final reading, numbered 4143 and ordered published by title only. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams
The Motion was approved.

Councilmember McGoff moved that Alison Hill Estates Preliminary Plat, W. 67th & Balsam Street be approved subject to the attached updated conditions of approval. This motion is based on the findings of fact adopted by the Planning Commission.

Councilmember Williams offered a friendly amendment to the motion that lots 1-6 be limited to one-story homes, walk-out basements permitted; move the landscaping trees to another part of the development to avoid impairing Mr. Townsend's view. Councilmember McGoff accepted the friendly amendment.

The following votes were cast on the amended Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams
The Motion was approved.

Recess – 8:35 p.m.

Reconvene – 8:45

Councilmember Dyer moved to excuse Mayor Pro Tem Lorraine Anderson from the remainder of the meeting.

Those voting yes: Frie, Azari, Dyer, McGoff, Williams
Those voting no: Allard
Those absent: Anderson
The motion was approved.

- H. Ratification and Approval of 08-PC-01, A Resolution by the Planning Commission for the City of Arvada, Colorado, to Amend the 2005 Arvada Comprehensive Plan Land Use Designation from Medium Density Residential to Neighborhood/Community Commercial for Property Located at 7240 Kipling Street
- I. CB08-043 An Ordinance Rezoning Certain Land Within the City of Arvada, Spry

Center, from A-1 (Agricultural) to PUD-BP (Planned Unit Development-Business, Professional), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 7240 Kipling Street (Ordinance No. 4144)

J. Spry Center Preliminary Development Plan, 7240 Kipling Street

Mike Elms, Director of Community Development, stated that City Council needs to ratify and approve the Planning Commission's resolution amending the 2005 Comprehensive Plan prior to voting on the ordinance to rezone and the preliminary development plan. He stated that the ratification is not a public hearing but would be explained along with the ordinance and preliminary development plan.

Mayor Frie opened the public hearing on CB08-043 and the Preliminary Development Plan.

Mike Elms, Director of Community Development, reviewed these items with City Council. Mr. Elms stated that the posting log and mailing affidavit have been received and are in order. Mayor Frie made them a part of the official record. The applicant is in the audience to take questions.

Mayor Frie swore in those wishing to speak.

Those speaking in favor:

Amanda Urban, architect with Allred and Associates.

Those speaking opposed: none.

Mayor Frie closed the public comment portion of the public hearing.

Councilmember Dyer asked the applicant to address the access issues to the development, particularly traffic concerns of users leaving the building complex and wanting to go east on W. 72nd Ave.

Councilmember Azari discussed the exterior building material with the architect and encouraged them to seek community gathering merchants such as restaurants and retail rather than services such as banks or gas stations.

Councilmember Azari moved that 08-PC-01, A Resolution by the Planning Commission for the City of Arvada, Colorado, to Amend the 2005 Arvada Comprehensive Plan Land Use Designation from Medium Density Residential to Neighborhood/Community Commercial for Property Located at 7240 Kipling Street, be ratified.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Those absent: Anderson

The Motion was approved.

Councilmember Azari moved that CB08-043, An Ordinance Rezoning Certain Land Within the City of Arvada, Spry Center, from A-1 (Agricultural) to PUD-BP (Planned Unit Development-Business, Professional), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 7240 Kipling Street be approved on final reading, numbered 4144 and ordered published by title only. This motion is based on the findings of fact adopted by the Planning Commission.

The following votes were cast on the Motion:

Those voting Yes: Frie, Allard, Azari, Dyer, McGoff, Williams

Those absent: Anderson

The Motion was approved.

Councilmember Azari moved that the Spry Center Preliminary Development Plan, 7240 Kipling Street, be approved subject to the attached updated conditions of approval. This motion is based on the findings of fact adopted by the Planning Commission.

Councilmember Dyer asked Councilmember Azari to accept a friendly amendment to his motion to address the traffic flow issues with a median cut into the W. 72nd Ave. median at the east end of the development. Councilmember Azari stated he appreciates Councilmember Dyer's efforts to ease traffic flow, however, he does not support a cut into the W. 72nd median.

The following votes were cast on the Motion to Amend to include a median cut:

Those voting Yes: Dyer

Those voting No: Frie, Allard, Azari, McGoff, Williams

Those absent: Anderson

The Motion was not approved.

The following votes were cast on the Motion to Approve the project:

Those voting Yes: Frie, Allard, Azari, McGoff, Williams

Those voting No: Dyer

Those absent: Anderson

The Motion was approved.

VIII. CITY COUNCIL REPORTS

Councilmember Williams stated he had recently seen the current show at Arvada Center and it was wonderful.

IX. CITY MANAGER REPORTS (taken up earlier in the evening)

A. Request for Motion to Cancel the December 8, 2008 City Council meeting.

Councilmember Anderson moved that the December 8, 2008 City Council meeting be cancelled.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams

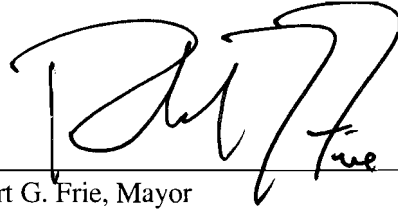
The Motion was approved.

Mr. Kocian also reported on the staff recommendations for appointments to the Transportation Committee. Staff would like to bring forth a motion for appointment on an upcoming agenda so that this committee can continue its work with a full quorum. City Council discussed the issue and would like the attorney's office to prepare a resolution to increase the membership of the Transportation Committee by one more member (from ten to eleven), so that Rachel Zenzinger could also be appointed to the Committee. Mr. Kocian stated that the resolution and appointment would be added to the December 1, 2008 agenda.

X. CITY ATTORNEY REPORTS - None

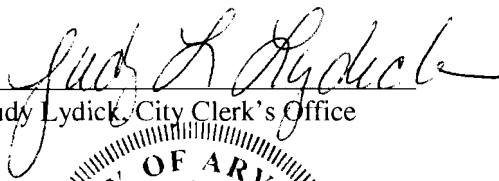
XI. PUBLIC COMMENT LONGER THAN THREE MINUTES - None

XII. ADJOURNMENT at 9:15 p.m.



Robert G. Frie, Mayor

SEAL:


Judy Lydick, City Clerk's Office